THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22758 OF 1998

DATED 14th NOVEMBER 2007

BETWEEN:

K.S.Ghousunnisa

… Petitioner

AND

The District Collector, Chittoor District and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22758 OF 1998

ORDER:

The petitioner is resident of Madanapalle town, who is owner of 983 square yards in survey No.716 of Basinikonda village and another extent of 714 square yards in the same survey number situated at Basinikonda village, which he purchased under two registered sale deeds. The first respondent herein initiated proceedings under the Land Acquisition Act, 1894 (the Act, for brevity). A notification under Section 4(1) of the Act vide R.O.C.No.D7/17104/95, dated 05.05.1997 proposing to acquire the land of petitioner along with other lands was issued for public purpose for construction of Auto Nagar at Basinikonda village. Assailing the same, present writ petition is filed.

Learned counsel for petitioner brought to the notice of this Court (indeed an averment is made to that effect in paragraph 10 of the affidavit) that the acquisition of land for Madanapalle Auto Nagar vide other notification was challenged before this Court and that the same was already been quashed by this Court. An unreported Judgment of this Court in W.P.No.33862 of 1997, dated 24.06.1999 as well as another unreported Judgment of this Court, dated 24.03.2005 in W.P.No.30579 of 1997, which followed the earlier Judgment have been placed before this Court. In both these matters, a plea was taken that as required under Section 4(1) of the Act, notification was not published in two local newspapers. A similar ground is also urged by the petitioner herein. The writ petition was admitted way back on 13.08.1998 and though the respondents are served, counter affidavit is not filed. In view of the uncontroverted averment that notification was not published in two local newspapers, the writ petition has to be allowed.

The writ petition is accordingly allowed. There shall be no order as to costs.

(V.V.S.RAO,J)

14.11.2007.
pln